

## SENATE BILL NO. 458

INTRODUCED BY GILLAN, WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE PERIOD FOR THE COMMENCEMENT OF AN ACTION AGAINST A MUNICIPALITY ARISING FROM A DECISION OF THE MUNICIPALITY RELATING TO A LAND USE CONSTRUCTION OR DEVELOPMENT PROJECT IS ~~30 DAYS~~ 6 MONTHS FROM THE DATE OF THE WRITTEN DECISION; AND AMENDING SECTION 27-2-209, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 27-2-209, MCA, is amended to read:

**"27-2-209. Actions against local government or local government official.** (1) The period prescribed for the commencement of an action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in ~~his~~ that person's official capacity and in virtue of ~~his~~ that person's office or by the omission of an official duty, including the nonpayment of money collected upon an execution, is within 3 years; ~~but, except that~~ this subsection does not apply ~~for~~ to an action for an escape.

(2) The period prescribed for the commencement of an action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process is within 1 year.

(3) Actions for claims against a county ~~which~~ that have been rejected by the county commissioners must be commenced within 6 months after the first rejection ~~thereof by such board~~.

(4) The period prescribed for the commencement of an action against a ~~municipal corporation~~ municipality for damages or injuries to property caused by a mob or riot is within 1 year.

(5) The period prescribed for the commencement of an action against a municipality arising from a decision of the municipality relating to a land use, construction, or development project is ~~30 days~~ 6 MONTHS from the date of the WRITTEN decision."

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